IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 31492 of 2005(Y)

EP.39/2005 of MUNI-MAGI COURT, DEVICOLAM
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PETITIONER:

JOSE MATHEW, KALLORKUNNEL HOUSE,
MANKULAM P.O., IDUKKI DISTRICT.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:
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1. THE JOINT REGISTRAR GENERAL,
CO-OPERATIVE SOCCIETIES, IDUKKI DISTRICT,
IDUKKI.

2. THE GENERAL MANAGER,
THE IDUKKI DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE P.B.NO.2, IDUKKI COLONY P.O.,
IDUKKI DISTRICT.

3. THE MANAGER,
IDUKKI DISTRICT CO-OPERATIVE BANK,
ADIMALI BRANCH, ADIMALI P.O., IDUKKID DISTRICT.

BY G.P. SRI.SHYSON P.MANGUZGA
BY ADV. SRI.JOICE GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 31492 of 2005

Dated this the 11th day of June 2007

JUDGMENT

Respondents 2 and 3 have been served with notice.. Service is declared as sufficient.

2. The petitioner, who is facing execution proceedings before the Devicolam Munsiff Court for the execution of an award for recovery of money obtained against him by the 2nd respondent Bank, approached this court when the execution Court ordered arrest against him. This court granted stay on condition that the petitioner pays the decree holder bank a sum of Rs.10,000/- within one month from 14.11.2005. Sri.D.Sreekumar, the learned counsel for the petitioner submits that the above condition was promptly complied with by the petitioner. If the court below finds that the sum of Rs.10,000/- was deposited on time as directed by this court, the court below will hold up further coercive action against the petitioner for a period of six months on condition that the petitioner remits

every month commencing from 1.7.2007 at the rate of Rs.5,000/- (Rupees Five Thousand only). In the meanwhile, if the 2nd respondent has not so far disposed of Ext.P4, application submitted to him, the 2nd respondent will take up Ext.P4, hear the petitioner and take a just and correct decision on the same. The petitioner will make further remittances on the basis of the decision to be taken by the 2nd respondent on Ext.P4. Even if the decision of the 2nd respondent is totally against the petitioner, i.e if no relief whatsoever is granted to the petitioner on Ext.P4, then also the petitioner is permitted to approach the Execution Court with appropriate application seeking instalment facility in the matter of remitting the balance decree debt.

PIUS C. KURIAKOSE,
JUDGE.

dpk